

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CARRIE ELLIS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
 Commissioner of Social Security,

Defendant.

Case No. 2:10-cv-01201-LDG -GWF

**ORDER**

Plaintiff Carrie Ellis filed her Opening Brief, requesting that the Court reverse the decision of the Social Security Commissioner on February 22, 2011. (#15). Based on a stipulation of the parties, on March 16, 2011, the Court entered an order granting an extension of time until March 22, 2011 for Plaintiff to file an amended motion for reversal or remand of the Commissioner's decision. (#19). To date, Plaintiff has not filed an amended motion for reversal or remand. Accordingly, the Court will enter an amended scheduling order for the briefing of this case.

**IT IS HEREBY ORDERED:**

1. Defendant shall file a notice of voluntary remand or a cross-motion to affirm, which will be considered an opposition to Plaintiff's Opening Brief (#15), on or before **April 14, 2011**. This motion shall include:

(a) A complete summary of all evidence in the record that the defendant contends constitutes substantial evidence to support the administrative determination that Plaintiff is not entitled to the benefits in question. It shall be sufficient compliance with this subparagraph if the defendant shall stipulate that the Administrative Law Judge fairly and accurately summarized the evidence contained in the record.

...

1 (b) A complete summary of all testimony adduced at the administrative hearing,  
2 including the Administrative Law Judge's findings, if any, concerning the credibility of witnesses,  
3 which the defendant contends constitutes substantial evidence to support the administrative  
4 determination that Plaintiff is not entitled to the benefits in question. It shall be sufficient compliance  
5 with this subparagraph if the defendant shall stipulate that the Administrative Law Judge fairly and  
6 accurately summarized the testimony adduced at the administrative hearing.

7 (c) A statement as to whether there are any inaccuracies in the summaries filed by  
8 Plaintiff. If the defendant believes the plaintiff's summaries are inaccurate, Defendant shall set forth  
9 what additions or corrections are required (with appropriate references to the record) in order to make  
10 the summaries accurate.

11 2. The motion filed by Defendant pursuant to paragraph 1 of this Order, respectively, shall  
12 also contain appropriate points and authorities dealing with the specific legal issues involved in this  
13 case, rather than principles of law applicable to Social Security cases in general.

14 3. Plaintiff shall be deemed to have acceded to the accuracy of the summaries supplied by  
15 the defendant in response to subparagraphs 6(a) and 6(b) of this Order unless, within twenty (20) days  
16 after being served with Defendant's motion to affirm, Plaintiff shall file and serve a reply brief setting  
17 forth:

18 (a) In what manner the summaries are inaccurate;

19 (b) What additions or corrections are required (with appropriate references to the  
20 record) in order to make the summaries accurate.

21 4. The motion filed by Defendant shall also contain the following:

22 (a) A statement as to whether the transcript of the administrative hearing can be  
23 adequately comprehended in spite of the fact that such transcript may contain the words "inaudible" or  
24 "unintelligible" in one or more places, and specifying each page, if any, in which testimony relating  
25 to the particular issues of this case cannot be adequately comprehended.

26 (b) A specification of each page in the administrative record that is partially or  
27 totally illegible, and a statement whether each such illegible page contains information relevant to an  
28 understanding of any issue presented in this case.

7 || DATED this 30th day of March, 2011.

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